

IN THE SUPREME COURT OF THE STATE OF MONTANA

Supreme Court Cause No. _____

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FILED

MAR 22 2010

Ed Smith
CLERK OF THE SUPREME COURT
STATE OF MONTANA

**KIMBALL LELAND FEHRS and
DEBRA FEHRS,**

Plaintiffs/Appellees,

vs.

MICHAEL C. SCHMIDT,

Defendant/Appellant.

NOTICE OF APPEAL

NOTICE is given that Michael C. Schmidt, the Appellant above-named and who is the Defendant in that cause of action filed in the Nineteenth Judicial District, in and for the County of Lincoln, as Cause No. DV-08-133, hereby appeals to the

Supreme Court of the State of Montana from the final judgment or order entered in such action on February 11, 2010.

THE APPELLANT FURTHER CERTIFIES:

1. That this appeal is not subject to the mediation process required by M. R. App. P. 7.

2. That this appeal is not an appeal from an order certified as final under M. R. Civ. P. 54(b). If this is such an appeal, a true copy of the District Court's certification order is attached hereto as Exhibit "A."

3. That the notice required by M. R. App. P. 27 has been or will be given, within 11 days of the date hereof, to the Supreme Court and to the Montana Attorney General with respect to a challenge to the constitutionality of any act of the Montana Legislature.

4. That all available transcripts of the proceedings in this cause have been ordered from the court reporter contemporaneously with the filing of this notice of appeal. If all available transcripts have not been ordered, that Appellant has complied with the provisions of M.R.App.P. 8(3) contemporaneously with the filing of this notice of appeal.

5. That included herewith is the filing fee prescribed by statute, or the affidavit to proceed without payment of the required filing fee prescribed in the Appendix of Forms as Form 3.

Dated this 16th day of March, 2010.

JOHNSON, BERG, MCEVOY & BOSTOCK, PLLP

By 

Scott G. Hilderman
Attorneys for Appellant

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CERTIFICATE OF SERVICE

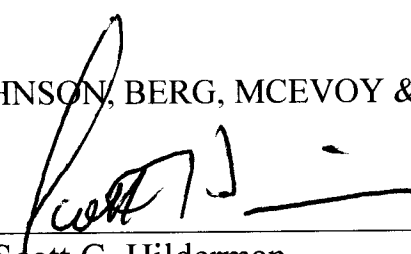
I hereby certify that on the 16th day of March, 2010 I filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, and each party not represented by an attorney in the above-referenced District Court action, as follows:

| | | |
|-------------------------------|-------------------------------------|---------------------------------|
| Susan Farmer | <input checked="" type="checkbox"/> | U.S. Mail (first class postage) |
| Clerk of District Court | <input type="checkbox"/> | Hand Delivery |
| Lincoln County District Court | <input type="checkbox"/> | Other |
| 512 California Avenue | | |
| Libby, MT 59923 | | |

| | | |
|---------------------|-------------------------------------|---------------------------------|
| S. Charles Sprinkle | <input checked="" type="checkbox"/> | U.S. Mail (first class postage) |
| Attorney at Law | <input type="checkbox"/> | Hand Delivery |
| 417 Mineral Avenue | <input type="checkbox"/> | Other |
| PO Box 795 | | |
| Libby, MT 59923 | | |

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